

App. F. IX-4

Previous References

Later References

1926 .

(V.P

Preserve
for
90/11/100

File No. 1-26

Serial Nos. 5

General and Revenue Secretariat.

Serial Nos.

P-5
E

Part B for Dec 27

SUBJECT

Re the introduction of V. P. Regulation

For orders vide V-P 1-26 MS G.

1/8
-20-1-28

Serial
No.

5 A 2-3824-26 & 16/3/27 from the K.C. Kader
States that G.O. No. 2500-14/13 26-26-409
5-10-26 maybe so modified as to allow
no panchayats being constituted for villages
there are not more than 25 houses in a radius
of half a mile.

Subs for orders - that the exact difficulty there
is in Constituting Village Panchayats in
villages having less than 25 houses within the
radius of half a mile has not been
specifically stated - This seems
to involve a change in the very
root idea of the Panchayat Act
providing local self Govt
for all villages without the
exception of even very small
villages. The matter has
perhaps to be considered in
Council

As opined by the Member
in para 4 of his notes to the
Govt. he has pointed out that the
constituted into a hamlet or hamlets
according to the area is wide of small
for assembly of members & transaction
of business. It is stated that
the suggestion is made according to
the provisions of the Act. The amendment

in on A.A.

Please perhaps
the K.C. Kader case
re Hamlets
G.O.

24/3

Subs. I have not been
able to trace the
case & the reply
does not seem to have
appeared. I find
a bearing on the point
at issue in this file
dat 24/3

There may be some
in Hamlets. Please
for the purpose of the
the file - Hamlets

25/3

Subs. in - 1526-26-153
dat 24/3

prepared is for order. This will
repeat the object of the Deposition
(Ch. Secy)

In favor of view
Secy, Law Dept

The proposal of B.C. is that the provisions of the V. P. Regⁿ. may ^{not} be applied to tribes in other areas where there are no 'Gavatanas', or where the population was scattered over the entire Survey village, in other words the V. P. Regⁿ may not be brought into force in such areas.

This raises an important question viz
whether the Govt have power to direct
that the Regn shall not be applied to
any particular area after it has
notified in the Gazette that the
Regn shall come into force ~~from~~ ^{from} 1st
Febr 1927 in all the districts of the State.
[vide Not^s no L 2490-L. B 26-26-39
dated 5th Oct 1926.]

Sec 1 (31) of the Regs II of 1926 Confers
a power on Govt to issue orders with respect
to the application of the Regs in any st. or part
of a st.

Interference of this power Govt have issued a notification extending the operation of the Regn throughout the State. The effect is that the Regulation is in force throughout the State from 1. 2. 1927.

Serial
No.

Is it open to the Govt now to vary the order in such a manner as not to apply the Regs to the area in question?

The effect of such variation is to repeal the Regs in respect of that area.

It is a fundamental principle that the authority that promulgates the enactment has power to repeal it.

Unless the Legislature has delegated such authority to Govt, it has no power by an executive order to repeal, suspend or vary, or amend the Regs duly passed by the Legislature.

Though Sec 1 has vested power in Govt to apply the Regs to any part of the St. from such time as it directs, the Govt has not been vested with power to withdraw the Regs from operation of that Regs from any area.

Sections 14 & 22 of the General clauses Regs deal with such powers. These Sections do not enable one to draw an inference that the power to make an order of the kind in question involves the power to add, vary or amend such orders.

These considerations lead me to hold that the Govt seems to have no power to rescind the order made by them on 5.10.1927.

Chief Secy
with Complts-

87
44

Serial
No.

This question has been referred for consideration
in Council. After perusal of Law Secy's
opinion, these papers will be put up along
with connected files

10612
13/4

Just (Clerk)

nee

11/4

nm

12/4

The Law Secy opinion may be
Subd to Dewan for perusal.

nee
14/4/27

Dewan)

nm
14/4 nm
14/4

nm
16.4.27

CB

nm
nm
12/4

Order issued Vide V.P. 1-26 819

End
21/8

B
16/12

DEWAN'S OFFICE.
Received on
16. APR. 1927
Reg. No. 8197

5

GOVERNMENT OF MYSORE.

OFFICE OF THE DEPUTY COMMISSIONER

ON SPECIAL DUTY

Kadur District.

Dated, Camp...16th March 1927...192 :

No. A 2-3824-26

ENC.

FROM

G. B. HEBLIKAR, Esq., B.A., LL.B.,

Deputy Commissioner on Special Duty
Kadur District.

To

...R. Ranga Rao, Esq., B.A., B.L.,

Secretary to Government,

General Department,

Bangalore.

Sir,

I have the honor to state that during his recent tour in the Kadur -- District, the Dewan directed that in the Malnad and other areas where there was no "Gavatana" and the population was scattered over the entire survey village, the Village Panchayet Regulation may not be brought into force and asked me to submit proposals for modifying the existing Rules.

2. In these circumstances, I would suggest that a proviso to para 4 of the Government Order No.L.2500-14/L.B. 26-26-40 dated 5th October 1926 be added directing that no Panchayet need be constituted for villages in which there are not more than 25 houses in a radius of half a mile.

3. I have asked the Amildars and Deputy Amildar of my District to prepare lists of such villages so that they may be removed from the operation of the Village Panchayet Regulation.

I have the honor to be,
Sir,
Your most obedient servant,

G. B. Heblkar

Deputy Commissioner,
Kadur District.

K.L.N.